

MANSFIELD TOWNSHIP COMMITTEE MEETING

October 23, 2013

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES

Mr. Watters asked if there were any corrections to the minutes from the regular meeting held on October 9, 2013.

Ms. Hrebenak stated that she had not received any.

Mr. Watters stated that on page three there were a number of corrections and that the person listed as living on Cherry Tree Bend was not the person who spoke.

Ms. Hrebenak stated that they could be pulled from the agenda and that she would go back and correct them.

Mayor Tomaszewski stated that he felt that the audio needed to be listened to and that the minutes needed correcting during public portion. Mayor Tomaszewski also stated that the Express Times had done a better job.

Mrs. Kocher stated that the Express Times had not correctly stated that vote that was taken.

APPROVAL OF THE BILL LIST:

Mr. Watters made a motion to approve the bill list including the addendum, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ENGINEERS REPORT:

Mr. DiSessa stated that he received correspondence from Warren County Mosquito Commission about a detention basin off of Riva Drive that has been a breeding problem.

Mr. Watters asked Mr. DiSessa about the detention basin that was located behind the building where Yusen

Logistics is located and if there had been changes to the swale.

Mr. DiSessa stated that he was going to look into this.

Ms. Hrebenak stated that she would look at the site plans to see if there was anything that showed the detention basin and the swale that has been indicated as changed.

RESOLUTION:

RESOLUTION # 2013 –112
REFUND OF PLANNING BOARD CASH BOND
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Weland Mansfield Assoc., LP issued a check for the Connelly Cash Bond with the Township of Mansfield, County of Warren,

WHEREAS, there remains a balance of \$ 3,140.80 in the account,

WHEREAS, the Planning Board Attorney and Engineer have determined that the cash bond can be returned,

NOW THEREFORE BE IT RESOLVED, that the Township Finance Office be authorized to refund the cash bond in the amount of \$3,140.80 to Weland Mansfield Assoc., LP.

Mr. Watters made a motion to approve the passage of Resolution 2013-112, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2013 –113
REFUND OF PLANNING BOARD CONSTRUCTION ESCROW
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Soojian Brothers Construction issued a check for a Construction Escrow (Starbucks) with the Township of Mansfield, County of Warren,

WHEREAS, there remains a balance of \$ 410.00 in the account,

WHEREAS, the Planning Board Attorney and Engineer have determined that the construction escrow can be returned,

NOW THEREFORE BE IT RESOLVED, that the Township Finance Office be authorized to refund the construction escrow in the amount of \$ 410.00 to Soojian Brothers Construction.

Mayor Tomaszewski made a motion to approve the passage of Resolution 2013-113, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

PUBLIC PORTION:

Mr. John General, Country Meadow Road, spoke to the Township Committee about the trees and sidewalks located by his property and asked for the Committees position on the matter.

Mr. Lavery stated that it is common for the builder to file the final map for the neighborhood

Mr. General stated that the easement in the back of the property for maintenance of the wells is the Township's easement so he is very clear of what an easement.

Mayor Tomaszewski stated that he understands what Mr. General is saying, but he also has to take the experience of the legal council for his legal experience.

Mr. Lavery explained to Mr. General that the Township gets the roads for developments dedicated to the Township by the developer and if the Township was to vacate the road it would give the property owners on either side would assume responsibility of the road and the maintenance.

Mr. General explained that he met with a company to get a price for the work that needs to be done and the price is \$5290 for all of the work that needs to be done.

Mr. Farino, Blau Road, stated that he had to fix sidewalks in Fairlawn and Hackettstown and he is willing to help Mr. General and has found a tree service that will do the work for \$2500 for the trees and the stump grinding and that he would help to level out the sidewalks.

Mr. DiSessa stated that to have people to take the trees down willy nilly would be a disaster. There should be a middle ground of compromise.

Mr. General asked that in the Township Committee opinion is this his responsibility to maintain the sidewalks and the tree problems.

Mr. General asked if he could remove the sidewalk if this is his property.

Mr. Lavery stated that Mr. General does not have the legal right to remove the sidewalk per the ordinance.

Donna Mulvihill, 631 Valley Road, commended the Township Committee on the hiring of two officers especially with the thefts and brake ins and with all of the speeders. The response time to that portion of town is about 15 to 20 minutes. Mrs. Mulvihill stated that her only concern is that the rumor is that January 1 when the new committee is sworn in the officers that are hired will be let go.

Mayor Tomaszewski stated that is exactly what they are rumors.

Mrs. Mulvihill stated that she has been living on Valley Road for the past 15 years and there has never been this much crime in that area of town and without enough officers on the force they are not able to get over to that section of town.

Donna Mulvihill, asked about the recreation background checks for recreation volunteers and when this will

be put in place because she is concerned that there are some people have a record.

Mr. Lavery stated that this is something that is being worked on, but that will need to be done on a separate ordinance.

Ms. Mulvihill asked if the Township Committee is required to have a background checks.

Mr. Lavery stated that he does not know of any town that requires the Committee to have background checks.

Mrs. Mulvihill stated that she is also concerned with the Community Day and the fact that the township was never told of the outcome of this. Mrs. Mulvihill asked if this was included in the minutes and if the amount that was raised.

Mayor Tomaszewski explained that this was included in the minutes and that there was no money raised.

Mrs. Mulvihill stated that the Township needs to get out there a lot more and advertise what is going on.

Ms. Hrebenak stated that all of the items that the different sport want on the website have been posted.

ORDINANCE

Mayor Tomaszewski opened the floor for public comment on Ordinance 2013-15; seeing that there were no comments the public comment portion was closed.

Second Reading

ORDINANCE 2013-15

AN ORDINANCE TO AMEND SECTION 2-10 "SCHEDULE OF FEES" OF THE CODE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY
BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD:

Section 1. The following sections of the Code of the Township of Mansfield are hereby amended to read as follows:

"2-10 Schedule of Fees"

(New)

Car, SUV, and Light Truck Tires (with or without rims) \$ 1.25 - \$ 2.00

Truck Tires 8.25-20, 9.00-20, 10.00-20, 11.00-20, \$ 9.00 - \$ 12.00
11.00-22.5 and Bigger (with or without rims)

Farm Tractor Tires (with or without rims) \$ 5.00 - \$ 7.00 per ply

Section 2. This Ordinance shall take effect immediately upon final publication as provided by law.

Section 3. All remaining portions of Section 2-10 shall remain in full force and effect.

Mr. Watters made a motion to approve the passage of Ordinance 2013-15 and requested that the results

be advertised, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski opened the floor to public comment:

Cindy Korczukowski, 5 Elmwood Drive, asked the Township Committee to clarify some things for her.

Mr. Lavery stated that this Ordinance has already been approved previously, and that the only change is the two alternate members and also that the members need to be residents of the Township.

Mrs. Korczukowski asked about in section 2-31.3 Any and all funds held by the Recreation Commission, barring any legal limitations, shall be immediately turned over by the Treasurer of the Recreation Commission to the Chief Financial Officer of the Township, and the Chief Financial Officer shall place such funds in the Recreation Trust Fund of the Township. Mrs. Korczukowski asked if a parents association was fundraising on a recreation field if the moneys would go to the township or will it stay with the parents association which has nothing to do with the township.

Mr. Lavery asked if previously the moneys were deposited into the Trust account.

Mrs. Korczukowski stated that they were not.

Mrs. Korczukowski asked then is it on record that that money from fundraising will stay with the parents association.

Mr. Lavery stated that he is just telling what his opinion is and that the Township Committee sets a budget at the beginning of the year that sets forth what will be expended.

Mr. Lavery stated that we will have to speak to the auditor on this.

Mrs. Korczukowski asked about the notice and the fact that the last meeting that she attended there was a committee appointed until the end of the year so that the programs that are already in season won't be affected.

Mrs. Korczukowski asked if this ordinance could be tabled until the auditor gives his opinion.

Mr. Lavery stated that this ordinance will not change that.

Bill Haffner, 23 Brantwood Terrace, asked about the fact that the ordinance states in section 4 it states that this ordinance takes effect immediately.

Mr. Lavery stated that this ordinance already exists and the only change is the membership.

Mrs. Korczukowski asked if it is going to be made public that the people that are interested in serving on

the Committee can turn in forms.

Mayor Tomaszewski stated that there will be something posted on the webpage for people to fill out the citizen involvement form and return by December 1.

Mr. Haffner thanked the Township Committee for clarifying the ordinance.

Mrs. Donna Mulvihill stated that she believes that there should be an internal audit to see if there were bills paid to purchase equipment so that the township knows who owns what equipment.

Mayor Tomaszewski closed the public comment period.

ORDINANCE 2013-16

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, ABOLISHING THE BOARD OF RECREATION COMMISSIONERS, AND IN ITS PLACE AND STEAD, CREATING A RECREATION COMMITTEE

WHEREAS, it is the desire of the governing body of the Township to provide for the recreational needs of all citizens of the Township; and

WHEREAS, the governing body has in the past entrusted that important task to the Board of Recreation Commissioners, formed pursuant to N.J.S.A. 40:12-1; and

WHEREAS, it is the determination of the governing body that the presently constituted Board of Recreation Commissioners has not provided for the recreational needs of all of the citizens of the Township in the manner the governing body deems best for the Township; and

WHEREAS, the governing body, being ultimately responsible for providing such recreational needs of the community, has determined that the same can be best accomplished by abolishing the Recreation Commission and forming a Recreation Committee under the direct authority and supervision of the Mayor and Township Committee; and

WHEREAS, the power to abolish the Board of Recreation Commissioners is derived pursuant to the revised statutes of the State of New Jersey, and as affirmed by Board of Recreation Commissioners of the Borough of Rutherford v. Board of Rutherford, 166 N.J. Super. 476 (App. Div. 1979).

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

Section 1

The title of Section 2-31 of the Township Code is amended to read as follows:

“Recreation Committee”

Section 2

The existing Section 2-31 of the Township Code is repealed in its entirety, and the following new Section 2-31 is adopted in its place and stead as follows:

§2-31.1 Establishment. The Township Committee of the Township of Mansfield, deeming it necessary for the proper and efficient conduct of the affairs of the municipality and particularly so to create a system of recreation programs designed to amuse, entertain and improve the physical fitness and to bring into closer harmony and relationship of the community of Mansfield as a whole, the neighborhoods making up that community and the families abiding therein, too, pursuant to the revised statutes so that the State of New Jersey, hereby establishes and creates a Recreation Committee.

§2-31.2 Members. The Recreation Committee shall consist of five (5) public members to be appointed for alternating three year terms and two (2) alternate members designated as alternate one (1) and alternate two (2). The alternate members shall serve a term of one (1) year. All members shall be residents of Mansfield Township. All such appointments shall be done by Resolution of the Township Committee at an open public meeting on an annual basis. The Mayor may appoint the Chair of the Recreation Committee.

§2-31.3 Powers. The Township Committee, through the Recreation Committee, shall have the full and complete authority and power to expend monies raised for and the operation of recreational fields and parks within the Township and all recreation programs thereon.

§2-31.4 General Regulations. Said Recreation Committee, in conjunction with and under the supervision of the Township Committee, shall supervise methods and arrangements for the proper maintenance and care of the lands and improvements with the Township Recreation fields and parks and all structures thereon now or hereafter owned by the Township and all recreational programs; shall formulate rules and regulations for the public use of said areas and all recreational programs; shall submit annually the requested budget indicating what sums may be

necessary for the performance of the above functions and duties; shall recommend to the Township Committee a schedule of fees and charges to be made for the use of playground or recreational places for utilizing facilities, use of purchase of equipment and uniforms, participating in organized sports and activities and for such other purposes as may be deemed reasonable and proper by the Township Committee; and in all respects operate through and under the direction of the Township Committee in accordance with the administrative procedures and regulations of the Code of the Township of Mansfield. However, the Recreation Committee and its members shall have no power to take any action on behalf of the Township of Mansfield, or to take any other action, other than what is set forth within this subsection.

Section 3

The previously established Recreation Commission of the Township of Mansfield is hereby deemed eliminated and dissolved, and all offices and membership in same which have been created are hereby revoked and dissolved. Any authority or power any person, or persons, had or was otherwise authorized by the existence of the Recreation Commission is hereby revoked. Any and all funds held by the Recreation Commission, barring any legal limitations, shall be immediately turned over by the Treasurer of the Recreation Commission to the Chief Financial Officer of the Township, and the Chief Financial Officer shall place such funds in the Recreation Trust Fund of the Township.

Section 4

This ordinance shall take effect immediately after passage.

Section 5

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Mr. Watters made a motion to approve the passage of Ordinance 2013-16 and requested that the results be advertised, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Smith made a motion to promote Lieutenant Reilly to Chief and would like to offer a 7 year contract with a 1.5 percent minimum or if department heads get more then he would receive the raise that is given, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Clancy, Mrs. Kocher

Nays: Mayor Tomaszewski, Mr. Watters

Absent: None

Abstain: None

Mr. Smith made a motion to enter into Executive Session at 8:49, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Return to regular session at 9:28pm.

Mrs. Kocher made a motion to grant health benefits at 100% to the retiring DPW supervisor with 27 years of service, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Clancy, Mrs. Kocher

Nays: Mr. Watters, Mayor Tomaszewski

Absent: None

Abstain: None

Mayor Tomaszewski made a motion to adjourn at 9:29 pm.